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November 2, 2020

VIA ELECTRONIC FILING

The Honorable Jocelyn Boyd
Chief Clerk / Executive Director
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, SC 29210

Re: Enrique McMilion, Jr. v. Duke Energy Carolinas, LLC
Docket No. 2020-242-E

Dear Ms. Boyd:

Enclosed for filing, please find Duke Energy Carolinas, LLC's (the "Company") Answer and Motion to Dismiss the Complaint filed in the above-referenced docket ("Motion to Dismiss"). The Company requests that the filing deadlines for all parties and the hearing date be held in abeyance until the Motion to Dismiss is resolved.

Complainant's motion for discovery has been scheduled for Commission action at its meeting to be held on November 4, 2020. The Company requests that, consistent with S.C.R.C.P. 26(a), taking into account the needs of this case and the unreasonable and unnecessary burden of responding to discovery at this early stage of the proceeding, the Company not be required to respond to Complainant's request for discovery until after the Commission has ruled on the Company's motion to dismiss the Complaint.

As explained in the Motion to Dismiss, this is the fourth complaint filed by Mr. McMilion against the Company on the issue of smart meters. The three previous complaints were dismissed, and the doctrine of *res judicata* serves to bar the instant Complaint. Further, this is a predicament of Mr. McMilion's own making because he has failed to avail himself of the Manually Read Meter option, which has been repeatedly offered to him. Finally, the Complaint makes no allegation that the Company has violated any statute, rule, regulation or order administered or issued by the Commission, and there are therefore no facts at issue in the Complaint that would entitle Complainant to relief from the Commission. For these reasons, the Company requests that the Commission dismiss this fourth complaint.



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By copy of this letter, we are providing a copy of same to the parties of record.

Kind regards,

Sam Wellborn

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Enclosure

C w/enc: Parties of Record (via email)
Katie M. Brown, Counsel (via email)